

Name: West 13th Street – Right-of-Way Abandonment

Location: Between Pine and Cedar Streets

Owner/Applicant: City of Little Rock (Police Department)/Frank Riggins, Crafton Tull and Associates

Request: To abandon the east 184 feet of the 55 foot wide West 13th Street right-of-way, located between Pine and Cedar Streets.

Purpose: Future access/parking for new Little Rock Police Sub-station

STAFF REVIEW:

A. Public Need for this Right-of-Way:

As noted in paragraph G., none of the utility companies object to the abandonment request. Several of the utilities request to retain the area of abandonment as a utility easement. The Public Works Comment is as follows:

1. Easements are required to be maintained for all storm water drainage.

B. Master Street Plan:

There are no Master Street Plan issues associated with this abandonment request, as the right-of-way is not classified as a Collector Street or higher.

C. Characteristics of Right-of-Way Terrain:

The West 13th Street right-of-way currently contains 42 feet of pavement, with curbs, gutters and sidewalks.

D. Development Potential:

After abandonment, the area of abandonment will be incorporated into the adjacent property to the north and south, and used as access/parking for the new Little Rock Police Sub-station.

E. Neighborhood and Land Use Effect:

The new Little Rock Police Sub-station will occupy the entire block north of the proposed abandonment area, with future parking on the south side of the proposed abandonment. The City's Willie Hinton Resource Center is located to the northeast, with an old commercial building to the southeast. A church and residential structures are located west of the proposed abandonment area.

F. Neighborhood Position:

The two (2) property owners immediately west (south side of West 13th Street) of the proposed abandonment and the Stephens Area Faith, Hope, Pine to Woodrow and Forest Hills Neighborhood Associations were notified of the abandonment request.

G. Effect on Public Services or Utilities:

Wastewater: No objection to abandonment.

Entergy: Entergy has existing overhead 3 phase distribution facilities in the area affected by the proposed street closure. We do not oppose the street closure as long as we are granted a thirty (30) foot easement (fifteen (15) feet each side of centerline) and have twenty-four (24) hour access to those facilities.

Centerpoint Energy: No objection to abandonment. Retain right-of-way as a utility easement.

AT&T (SBC): No objection to abandonment.

Water: Central Arkansas Water maintains an existing 8-inch distribution water main within the area of the proposed right-of-way abandonment and requests that easements be retained for our existing facilities.

H. Reversionary Rights:

Information submitted by an abstract company shows that there were no reversionary rights found of record.

I. Public Welfare and Safety Issues:

Abandoning this right-of-way will have no adverse impact on the public welfare and safety. The Little Rock Fire Department has reviewed and approved the abandonment request.

SUBDIVISION COMMITTEE COMMENT:

(JULY 2, 2014)

Frank Riggins was present, representing the application. Staff briefly described the proposed abandonment, noting that there were no outstanding issues. Staff noted that none of the utility companies objected to the abandonment request. The use of the right-of-way after abandonment was briefly discussed.

After the discussion, the Committee forwarded the application to the full Commission for resolution.

STAFF RECOMMENDATION:

Staff recommends approval of the request to abandon the east 184 feet of the 55 foot wide West 13th Street right-of-way located between Pine and Cedar Streets, subject to the entire area of abandonment being retained as a utility and drainage easement.

PLANNING COMMISSION ACTION:

(JULY 24, 2014)

Frank Riggins was present, representing the application. There was one (1) person present with concerns. Staff presented the application with a recommendation of approval, with condition.

Frank Riggins addressed the Commission in support of the application. He deferred his time to hear from the concerned person.

Mason Ellis addressed the Commission. He explained that he was not opposed to the application. He noted that he did not necessarily agree with abandoning rights-of-way within a downtown-like street grid system.

Mr. Riggins explained that the Little Rock Police Substation development was a substantial improvement within the 12th Street Corridor. He noted that the benefit of the right-of-way to the police substation would outweigh the street's contribution to the overall street grid system.

Commissioner Nunnley asked how the abandonment would impact the old Lee Theatre building. Tony Bozynski, Director of Planning and Development, noted that there would be no negative impact on that building. The issue was briefly discussed.

Commissioner Berry noted that he supported the abandonment request, due to the police substation's need for the right-of-way. He asked about the criteria by which a right-of-way is no longer considered a public benefit. Debra Weldon, City Attorney, noted that it was up to the Commission to determine if a right-of-way no longer served a public purpose. This issue was briefly discussed.

There was a motion to approve the application, as recommended by staff. The motion passed by a vote of 10 ayes, 0 noes and 1 absent. The application was approved.